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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,403	02/26/2002	Timo Haataja	P 290634	3628
909 7590 07/22/2008 PILSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
POINVIL, FRANTZY				
ART UNIT		PAPER NUMBER		
3692				
MAIL DATE		DELIVERY MODE		
07/22/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/069,403

**Applicant(s)**

HAATAJA ET AL

**Examiner**

Frantzy Poinvil

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/08/2008 has been entered.
2. Applicant's arguments filed 5/08/2008 have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by a magazine "Global Wireless, v 1, n5, p13+, Summer 1998, "Prepaid influence continues to grow (Prepaid cellular service is growing success; 40% of new cellular users join prepaid plans; total world subscribers using prepaid options is estimated at about 26 mil)".

In the article entitled "Prepaid influence continues to grow (Prepaid cellular service is growing success; 40% of new cellular users join prepaid plans; total world subscribers using prepaid options is estimated at about 26 mil)", it is stated that the use of cellular phones is fastly growing. Many customers are now subscribing to phone companies providing different types of plan. There includes a system and method for

Maintaining subscriber information on at least one home subscriber of a telecommunication network; maintaining at least two different tariff models for home subscribers, each model containing a tariff scheme defining how to charge a call different calls; indicating maintaining in the subscriber-specific subscriber information an indication of a tariff model is-to be used with this home subscriber to charge different calls, the tariff model being one of said at least two different tariff models and the indication indicating, the tariff model directly or indirectly; detecting that a subscriber is making a call; determining, in response to the detecting, a tariff model to be used on the basis of the indication in subscriber's subscriber-specific subscriber information; obtaining a tariff scheme to be used on the basis of the determined tariff model; and calculating a charge for the call according to the obtained tariff scheme.

In the article, it is further described defining one tariff model to be a default model which is used when no other tariff model is indicated.

The telecommunications network is configured to offer a prepaid service to its subscribers and said at least one subscriber is a prepaid subscriber.

The method further comprising using at least two different types of vouchers for making deposits into subscribers prepaid accounts; attaching one tariff model at least to each of said two different types of vouchers; maintaining in the subscriber-specific subscriber information an indication of the type of voucher -currently using used last for depositing subscriber's prepaid account; and determining the tariff model to be used on the basis of the voucher type indicated in the subscriber's subscriber-specific subscriber information.

Applicant is directed to pages 3-4 of the article.

In the article, it is further stated the method further comprising:  
defining in the subscriber-specific subscriber information the voucher types allowed to this subscriber; checking from the subscriber-specific subscriber information during depositing if the voucher is allowed to this subscriber; and if the voucher is an allowed one, continuing depositing; if the voucher is not an allowed one, terminating depositing.

The method further comprising:  
defining at least two different prepaid profiles, each profile defining at least the allowed voucher types; associating a subscriber's subscriber-specific subscriber information with one prepaid profile; checking during depositing if the voucher is allowed to this subscriber from the profile definitions indicated in the subscriber-specific subscriber information; and if the voucher is an allowed one, continuing depositing; if the voucher is not an allowed one, terminating depositing.

The method further comprising:  
defining at least two different subscriber profiles,  
attaching at least to each of said two different profiles one tariff model so that a profile is

Art Unit: 3692

attached to a first tariff model and a second profile is attached to a second tariff\_model; maintaining indicating in the subscriber-specific subscriber information an indication of a subscriber ~ profile to be used; determining the tariff model to be used on the basis of the subscriber's subscriber profile indicated in the subscriber's subscriber-specific subscriber information.

Applicant is directed to pages 3-4 of the article.

As per claims 8 and 25, claims 8 and 25 contain features recited in claims 1-7 and claims 8 and 25 are rejected under a similar rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Global Wireless, v 1, n5, p13+, Summer 1998, "Prepaid influence continues to grow (Prepaid cellular service is growing success; 40% of new cellular users join prepaid plans; total world subscribers using prepaid options is estimated at about 26 mil)".

Claims 9-24 are directed to a telecommunications system, a network element device, a memory, a database, a data structure embodied in computer media executable by a processor, and a processor for performing the functions of claims 1-8 and 25. As per these computer structures or structural devices, the Examiner asserts

that these are well known and commercially available devices that are routinely used by telecommunications systems and/or companies, as such using these devices to perform the claimed functions would have been obvious to do by the one of ordinary skill in the art with the motivation of obtaining a useful and concrete device as envisaged by the teachings provided in the instant article.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/  
Primary Examiner  
Art Unit 3692**

FP  
July 14, 2008